

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. Rejection of Claims 49-74, 76 and 79 under 35 U.S.C. §112, second paragraph.

The Examiner rejected Claims 49-74, 76 and 79 under 35 U.S.C. §112, second paragraph, as being indefinite for the stated reason that the claims do not define any resolvable structure of the recited layer made by the recited method.

In response, the Applicant respectfully traverses the rejection and submits that the layer of material which is recited in Claims 49-74 has resolvable structure. More particularly, the subject claims recite a layer that "has a surface contour defined by the relative positions of a plurality of acceptor centers in a solid base material from which said layer is formed" (see independent Claims 49, 57, 64 and 70). A surface contour is a shape or outline (see, e.g., Webster's New World Dictionary, Third Edition). In the instant case, the shape is defined by the relative positions of a plurality of acceptor centers in a solid base material from which the layer is formed. Therefore, the layer has a shape (which is a structural characteristic) defined by acceptor center positions (which is another structural characteristic). Therefore, these claims have a resolvable structure recited therein. Additionally, the Applicant has amended Claims 49, 57, 64 and 70 to recite that the layer is thereby adapted for use in connection with microcircuits. This recitation also provides for resolvable structure.

With regard to Claims 76 and 79, the Examiner states that "applicant's claim language does not resolve any structurally distinguishable feature of the base material except that the intermediately processed base material 'has hydrogen' wherein the

hydrogen is near 'acceptor centers' that define a 'contour line'. In this regard, note the Examiner's uses of the phrase "except that..." Use of that phrase should be construed as an acknowledgement that there is resolvable structure in those claims in that the intermediately processed based material has hydrogen atoms in a region spaced apart from the location of the acceptor centers." The Applicant also respectfully traverses the rejection on the basis that the base claims define resolvable structure.

With regard to the Examiner's statement that the meaning of "spaced apart" in the claims is a relative term of degree, one of ordinary skill in the art would readily understand from the specification that introduction of atoms at a location spaced apart from the acceptor centers means that they atoms are not introduced at a location touching the acceptor centers, and must be sufficiently far from the acceptor centers that transposition can take place.

In view of the foregoing, the Applicant respectfully submits that Claims 49-74, 76 and 79 are not indefinite for purposes of 35 U.S.C. §112, second paragraph, and requests that the rejection be withdrawn.

2. Rejection of Claims 49-82 under 35 U.S.C. §102(e).

Claims 49-82 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,162,705 to Henley et al. The Examiner based the rejection on a conclusion that the lack of resolvable structure as asserted in connection with the rejection under 35 U.S.C. §112, second paragraph, left only a layer of material.

In response, the Applicant respectfully traverses the rejection for several reasons. First, as noted by the Examiner, Henley et al. does not show an expunged layer of material.

Second, Henley et al. does not show a layer of material that is even comparable to the Applicant's layer of material because Henley et al. does not show a layer having a surface contour defined by the relative positions of a plurality of acceptor centers in a solid base material from which said layer is formed.

Third, Henley et al. does not show that the layer is thereby adapted for use in connection with microcircuits.

Fourth, Henley et al. does not teach acceptor centers or use of acceptor centers to define a surface contour. Although the Examiner states that Henley et al. shows acceptor centers defining a planar contour line at a distance Z_0 from the surface, Henley et al. makes not mention of acceptor centers whatsoever. Nor does Henley et al. refer to boron sites or transporting hydrogen atoms to boron sites as asserted by the Examiner. Henley et al. teaches a method for forming a film of material 12 from a donor substrate 10 by introducing particles into the donor substrate to initiate cleaving. Henley et al. does not teach an expunged layer of material having a surface contour defined by the location of acceptor centers in the based material as recited in the Applicant's claims.

Therefore, Henley et al. does not teach the invention recited in the Applicant's claims. Nor is there anything in Henley et al. that suggests or provides motivation or incentive for the material recited in the Applicant's claims.

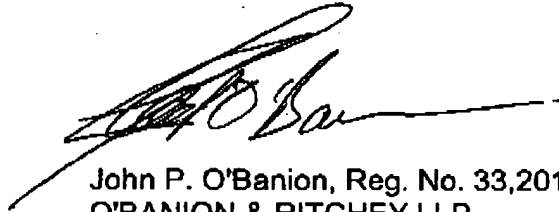
3. Conclusion.

In view of the foregoing, the Applicant respectfully submits that Claims 49-82 are in a condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

The Applicant also respectfully requests a telephone interview with the Examiner in the event that there are questions regarding this response, or if the next action on the merits is not an allowance of all pending claims.

Date: 6/10/03

Respectfully submitted,



John P. O'Banion, Reg. No. 33,201
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814
(916) 498-1010